

**IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF TEXAS
SHERMAN DIVISION**

UNITED STATES OF AMERICA	§	
	§	
v.	§	CRIMINAL NO. 4:13CR9
	§	
CHRISTOPHER ANTHONY GESINO	§	

**REPORT AND RECOMMENDATION
OF UNITED STATES MAGISTRATE JUDGE**

Pending before the Court is the request for revocation of Defendant's supervised release. After the District Court referred the matter to this Court for a report and recommendation, the Court conducted a hearing on March 5, 2013, to determine whether Defendant violated his supervised release. Defendant was represented by Robert Arrambide. The Government was represented by Alma Hernandez.

On June 24, 2011, Defendant was sentenced by the Honorable James H. Payne, United States District Judge, to a sentence of 33 months imprisonment followed by a 36-month term of supervised release for the offense of conspiracy to commit fraud in connection with access devices. Defendant began his term of supervision on April 2, 2012. On January 15, 2013, the case was transferred to the Honorable Marcia A. Crone, United States District Judge.

On February 4, 2013, the U.S. Probation Officer filed a Petition for Warrant or Summons for Offender Under Supervision (the "Petition") (Dkt. 2). The Petition asserts that Defendant violated the following conditions of supervision: (1) Defendant shall refrain from any unlawful use of a controlled substance; (2) Defendant shall refrain from excessive use of alcohol and shall not

purchase, possess, use, distribute, or administer any controlled substance or any paraphernalia related to any controlled substances, except as prescribed by a physician; (3) Defendant shall submit to urinalysis testing as directed by the Probation Office; and (4) Defendant shall participate in a program approved by the United States Probation Office for the treatment of narcotic addiction, drug dependency, or alcohol dependency, which will include testing to determine if he has reverted to the use of drugs or alcohol. If it is determined by the Probation Officer that the defendant is in need of residential drug/alcohol treatment program, he shall participate in such treatment as directed by the Probation Officer and remain in the treatment facility until successfully discharged.

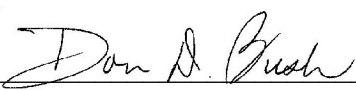
The Petition alleges that Defendant committed the following violations: (1) Defendant submitted urine specimens which tested positive for methamphetamine on July 2, December 3, December 10, 2012 and January 2, 2013; and (2) Defendant failed to submit to drug testing as directed on November 10 and November 14, 2012, as directed at Pillar Mental Health Services, Plano, Texas.

At the hearing, Defendant entered a plea of true to the alleged violations. Defendant waived his right to allocute before the district judge and his right to object to the report and recommendation of this Court. The Court finds that Defendant has violated the terms of his supervised release and that his supervised release should be revoked.

RECOMMENDATION

Pursuant to the Sentencing Reform Act of 1984 and having considered the arguments presented at the March 5, 2013 hearing, the Court recommends that Defendant be committed to the custody of the Bureau of Prisons to be imprisoned for a term of twenty-one (21) months, followed by fifteen (15) months supervised release and pay restitution in the amount of \$16,306.83.

SIGNED this 15th day of March, 2013.



DON D. BUSH
UNITED STATES MAGISTRATE JUDGE